

February 8, 2005

Dear Member of Congress:

The undersigned Asian Pacific American (APA) organizations urge you to oppose the REAL ID Act (H.R. 418). This bill merely recycles some of the most extreme and controversial anti-immigrant and refugee provisions that did not make it into the final intelligence reform bill in the last session. Specifically, the REAL ID Act would:

Turn back victims of persecution. The REAL ID Act would require asylum applicants to prove that their persecutors' "central motive" for harming or wishing to harm them was race, religion, nationality, membership in a particular social group, or political opinion. In essence, this provision would heighten the burden on asylum applicants to prove not only the existence of some motive in their *persecutors'* mind, but to distinguish among multiple motives and prove the primacy of one motive above others.

Under such an unrealistic burden of proof, a Burmese Christian woman of the Chin minority who was raped and robbed by drunken soldiers will have difficulty showing that her persecutors attacked her because of her religion and/or ethnicity rather than her money or their drunkenness. Likewise, an ethnic Chinese Christian from Indonesia who was extorted by corrupt government officials will have difficulty showing that he had to pay because of his ethnicity and/or religion rather than the officials' greed.

Insulate dysfunctional government agencies from federal court review. The REAL ID Act would prevent federal courts from reviewing virtually all discretionary actions of the Department of Homeland Security in the immigration arena, no matter how erroneous or groundless the decisions may be.

For example, a Korean-American church that petitioned for a pastor from Korea would not be able to challenge the denial of its religious worker petition even if the DHS had articulated no grounds for denying the petition. That same church would not be able challenge the denial even if the DHS had previously granted the same petition to the same church and the same pastor, and there had been no change in the circumstances.

It should be noted that this provision was *not* in H.R. 10, the House-passed version of the intelligence reform bill.

Deport innocent people. The REAL ID Act would require noncitizens to prove a negative – that they did not knowingly support terrorism – by clear and convincing evidence. This provision would mandate the deportation of long-term lawful permanent residents who donated money for tsunami disaster relief in the Aceh province of Indonesia or in Tamil Tiger-controlled parts of Sri Lanka, not knowing that the organization that eventually received the money had a subgroup that the DHS considered

to be a terrorist organization. Even more tragically, the REAL ID Act would mandate the deportation of their spouses and children unless they can show that they did not know or could not reasonably have known of their family member's activities or renounce the activities to the government's satisfaction.

Disproportionately impact the APA community. The REAL ID Act would create a tripartite system for drivers licenses and ID cards that will disproportionately affect the APA community. U.S. citizens, lawful permanent and conditional residents, and asylees and refugees would have one type of license or ID. Nonimmigrants, asylum applicants, other noncitizens who are in the U.S. *legally* would have another type of license or ID. Undocumented immigrants would not have access to any license or ID at all.

Approximately 60% of the APA community was born outside the United States. We are a diverse mix of native-born and naturalized U.S. citizens; lawful permanent residents; refugees and asylees; legal non-immigrants in the United States to work or to study; and undocumented immigrants. APAs of different citizenship and immigration status often reside in the same family. The drivers license provision of the REAL ID Act will have a disproportionate, wide-ranging, and devastating impact on the APA community.

For example, naturalized U.S. citizens (who are by definition born outside the United States) who do not have U.S. passports or access to their naturalization certificates may have difficulties getting their drivers licenses or ID cards because they cannot prove that they are U.S. citizens. Even naturalized U.S. citizens who have their citizenship certificates will likely face delays, as DHS will have to verify millions of documents showing citizenship or immigration status.

Legal nonimmigrants who are in the U.S. to work or study will be forced to carry drivers licenses or IDs that single them out from the general population. Furthermore, they will likely have tremendous difficulties getting or renewing their licenses or IDs, as many employees of state Departments of Motor Vehicles will not understand the complexities of immigration law.

Finally, undocumented immigrants will be forced to drive without licenses and therefore auto insurance, resulting in more unsafe and dangerous roads for all Americans.

For the foregoing reasons, we respectfully urge you to oppose the REAL ID Act.

Sincerely,

National:

Asian and Pacific Islander American Health Forum
Asian Pacific American Labor Alliance, AFL-CIO
Hmong National Development
Korean Alliance for Peace and Justice (KAPJ)
Korean American Coalition

National Asian Pacific American Bar Association
National Asian Pacific American Legal Consortium
National Asian Pacific American Women's Forum
National Coalition for Asian Pacific American Community Development (National CAPACD)
National Federation of Filipino American Associations (NaFFAA)
National Korean American Service & Education Consortium
Organization of Chinese Americans
Sikh American Legal Defense and Education Fund (SALDEF)
Sikh Coalition
South Asian American Leaders of Tomorrow (SAALT)
South Asian Network
Southeast Asia Resource Action Center
Young Koreans United of USA

Local:

Asian Law Caucus, San Francisco, CA
Asian Pacific American Legal Center, San Francisco, CA
Center for Seniors, Chicago, IL
Coney Island Avenue Project, Brooklyn, NY
Indo-American Democratic Organization, Skokie, IL
Korean American Chamber of Commerce, Chicago, IL
Korean American Community Services, Chicago, IL
Korean American Resource & Cultural Center, Chicago, IL
Korean American Senior Center, Chicago, IL
Korean Drycleaners and Laundry Association of Southern California
Korean Resource Center, Los Angeles, CA
Korean Young Adult Team of Los Angeles, CA
Korean YWCA, Chicago, IL
Na Loio - Immigrant Rights and Public Interest Legal Center, Honolulu, HI
UCLA School of Law Asian Pacific Islander Law Student Association (APILSA)
U.S. Chapter of Hankook Keun Woo Hei, Fullerton, CA
YKASEC - Empowering the Korean American Community, Flushing, NY